

**JS-6**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

## SECURITIES AND EXCHANGE COMMISSION,

Case No. 2:23-cv-08079

**Plaintiff,**

**JUDGMENT AS TO PEDRO PEREZ,  
JR.**

VS.

MARCO A. PEREZ (aka MARC PEREZ), PEDRO PEREZ, JR. (aka PETER PEREZ), and OLIVIA PEREZ DURBIN,

### Defendants.

19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 The Securities and Exchange Commission having filed a Complaint and  
2 Defendant Pedro Perez, Jr. having entered a general appearance; consented to the  
3 Court's jurisdiction over Defendant and the subject matter of this action; consented to  
4 entry of this Final Judgment without admitting or denying the allegations of the  
5 Complaint (except as to jurisdiction and except as otherwise provided herein in  
6 paragraph VII); waived findings of fact and conclusions of law; and waived any right  
7 to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
  - (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
  - (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
23 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
24 binds the following who receive actual notice of this Final Judgment by personal  
25 service or otherwise: (a) Defendant's officers, agents, servants, employees, and  
26 attorneys; and (b) other persons in active concert or participation with Defendant or  
27 with anyone described in (a).

1 II.  
2  
3

4 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that  
5 Defendant is permanently restrained and enjoined from violating Section 14(e) of the  
6 Exchange Act [15 U.S.C. § 78n(e)] and Rule 14e-3 [17 C.F.R. § 240.14e-3]  
7 promulgated thereunder, in connection with any tender offer or request or invitation  
8 for tenders, from engaging in any fraudulent, deceptive, or manipulative act or  
9 practice, by:

- 10 (a) purchasing or selling or causing to be purchased or sold the securities  
11 sought or to be sought in such tender offer, securities convertible into or  
12 exchangeable for any such securities or any option or right to obtain or  
13 dispose of any of the foregoing securities while in possession of material  
14 information relating to such tender offer that Defendant knows or has  
15 reason to know is nonpublic and knows or has reason to know has been  
16 acquired directly or indirectly from the offering person; the issuer of the  
17 securities sought or to be sought by such tender offer; or any officer,  
18 director, partner, employee or other person acting on behalf of the  
19 offering person or such issuer, unless within a reasonable time prior to  
20 any such purchase or sale such information and its source are publicly  
21 disclosed by press release or otherwise; or  
22 (b) communicating material, nonpublic information relating to a tender  
23 offer, which Defendant knows or has reason to know is nonpublic and  
24 knows or has reason to know has been acquired directly or indirectly  
25 from the offering person; the issuer of the securities sought or to be  
26 sought by such tender offer; or any officer, director, partner, employee,  
27 advisor, or other person acting on behalf of the offering person of such  
28 issuer, to any person under circumstances in which it is reasonably  
foreseeable that such communication is likely to result in the purchase or  
sale of securities in the manner described in subparagraph (a) above,

1 except that this paragraph shall not apply to a communication made in  
2 good faith

- 3 (i) to the officers, directors, partners or employees of the offering  
4 person, to its advisors or to other persons, involved in the  
5 planning, financing, preparation or execution of such tender offer;  
6 (ii) to the issuer whose securities are sought or to be sought by such  
7 tender offer, to its officers, directors, partners, employees or  
8 advisors or to other persons involved in the planning, financing,  
9 preparation or execution of the activities of the issuer with respect  
10 to such tender offer; or  
11 (iii) to any person pursuant to a requirement of any statute or rule or  
12 regulation promulgated thereunder.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
14 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
15 binds the following who receive actual notice of this Final Judgment by personal  
16 service or otherwise: (a) Defendant's officers, agents, servants, employees, and  
17 attorneys; and (b) other persons in active concert or participation with Defendant or  
18 with anyone described in (a).

19 III.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant  
21 to Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)], Defendant is  
22 prohibited, for five years following the date of entry of this Final Judgment, from  
23 acting as an officer or director of any issuer that has a class of securities registered  
24 pursuant to Section 12 of the Exchange Act [15 U.S.C. § 78l] or that is required to  
25 file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)].

26 IV.

27 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant  
28 is liable for disgorgement of \$127,142.32, representing net profits gained as a result

1 of the conduct alleged in the Complaint, together with prejudgment interest thereon in  
2 the amount of \$14,109.47. The Court finds that sending the disgorged funds to the  
3 United States Treasury, as ordered below, is consistent with equitable principles. The  
4 Court further imposes a civil penalty in the amount of \$127,142.32 pursuant to  
5 Section 21A of the Exchange Act [15 U.S.C. § 78u-1]. Defendant shall satisfy these  
6 obligations by paying \$268,394.11 to the Securities and Exchange Commission  
7 within 30 days after entry of this Final Judgment.

8 Defendant may transmit payment electronically to the Commission, which will  
9 provide detailed ACH transfer/Fedwire instructions upon request. Payment may also  
10 be made directly from a bank account via Pay.gov through the SEC website at  
11 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified  
12 check, bank cashier's check, or United States postal money order payable to the  
13 Securities and Exchange Commission, which shall be delivered or mailed to

15 Enterprise Services Center  
16 Account Receivable Branch  
16 6500 South MacArthur Boulevard  
17 Oklahoma City, OK 73169

18 and shall be accompanied by a letter identifying the case title, civil action number,  
19 and name of this Court; Pedro Perez, Jr. as a defendant in this action; and specifying  
20 that payment is made pursuant to this Final Judgment.

21 Defendant shall simultaneously transmit photocopies of evidence of payment  
22 and case identifying information to the Commission's counsel in this action. By  
23 making this payment, Defendant relinquishes all legal and equitable right, title, and  
24 interest in such funds and no part of the funds shall be returned to Defendant. The  
25 Commission shall send the funds paid pursuant to this Final Judgment to the United  
26 States Treasury.

27 The Commission may enforce the Court's judgment for disgorgement and  
28 prejudgment interest by using all collection procedures authorized by law, including,

1 but not limited to, moving for civil contempt at any time after 30 days following entry  
2 of this Final Judgment. The Commission may enforce the Court's judgment for  
3 penalties by the use of all collection procedures authorized by law, including the  
4 Federal Debt Collection Procedures Act, 28 U.S.C. § 3001 *et seq.*, and moving for  
5 civil contempt for the violation of any Court orders issued in this action.

6 Defendant shall pay post judgment interest on any amounts due after 30 days  
7 of the entry of this Final Judgment pursuant to 28 U.S.C. § 1961.

8 V.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the  
10 Consent is incorporated herein with the same force and effect as if fully set forth  
11 herein, and that Defendant shall comply with all of the undertakings and agreements  
12 set forth therein.

13 VI.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for  
15 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,  
16 11 U.S.C. § 523, the allegations in the complaint are true and admitted by Defendant,  
17 and further, any debt for disgorgement, prejudgment interest, civil penalty or other  
18 amounts due by Defendant under this Final Judgment or any other judgment, order,  
19 consent order, decree or settlement agreement entered in connection with this  
20 proceeding, is a debt for the violation by Defendant of the federal securities laws or  
21 any regulation or order issued under such laws, as set forth in Section 523(a)(19) of  
22 the Bankruptcy Code, 11 U.S.C. §523(a)(19).

23  
24  
25  
26  
27  
28

VII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

VIII.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated: October 11, 2023

HON. JOSEPHINE L. STATON  
UNITED STATES DISTRICT JUDGE